

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,  
Plaintiff,

v.

UBER TECHNOLOGIES, INC., et al.,  
Defendants.

Case No. [17-cv-00939-WHA](#) (JSC)

**ORDER RE: UBER'S MOTION FOR A  
PROTECTIVE ORDER AND TO  
QUASH**

(Dkt. Nos. 1782, 1865)

Now pending before the Court is Uber's motion for a protective order preventing the deposition of its Chief Legal Officer Sallie Yoo and to quash trial subpoenas to Ms. Yoo and Uber's litigation counsel Arturo Gonzalez.

Waymo may take Ms. Yoo's deposition for up to four hours. Waymo does not seek to depose Ms. Yoo regarding the conduct of this litigation, for example, to ask why documents were not produced in this litigation, thus the so-called *Shelton* rule does not apply. *See Pamida, Inc. v. E.S. Originals, Inc.*, 281 F.3d 726, 728 (8th Cir. 2002); *see also ATS Products, Inc. v. Champion Fiberglass, Inc.*, 2015 WL 3561611 (N.D. Cal. June 8, 2015) (noting that *Pamida* held "that the *Shelton* rule should not apply where a party seeks to depose opposing counsel about a prior closed case, rather than the pending case."). The Court finds instead that Ms. Yoo, as Uber's Chief Legal Officer, is an apex deponent. However, Waymo's opposition demonstrates that she has first-hand knowledge of relevant facts and that the deposition is not sought for purposes of harassment or burden. (*See* Dkt. No. 833.) That others may have attended the same meetings or been copied on the same emails does not eliminate the need for her deposition given Ms. Yoo's influential position with Uber. Accordingly, the Court denies the motion to quash her deposition, but limits the deposition to four hours. The deposition shall occur on or before October 6, 2017.

1 Uber also seeks to quash Waymo's *trial* subpoenas to Ms. Yoo and Uber's lead litigation  
2 counsel Arturo Gonzalez. As this is a trial issue, and not a discovery issue, the motion is denied  
3 without prejudice to Uber raising the issue before Judge Alsup.

4 Any objections to this Order must be filed with the district court on or before 5:00 p.m. on  
5 Friday, September 29, 2017.

6 This Order disposes of Docket Nos. 1782, 1865.

7 **IT IS SO ORDERED.**

8 Dated: September 28, 2017



JACQUELINE SCOTT CORLEY  
United States Magistrate Judge